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Report of the Secretary-General to the Security Council on the situation in Burundi

I. Introduction

1. Since my previous report to the Security Council on the situation in and relating to Burundi, of 18 November 2002 (S/2002/1259), there have been a number of positive developments in the country and in the region.

2. Most significant among them are the signing of the ceasefire agreement of 2 December 2002, the peaceful transfer of power at the helm of the State on 1 May 2003, the deployment of the African Mission in Burundi (AMIB) and the establishment of the Joint Ceasefire Commission, the signing of the Pretoria Protocols on political, defence and security power-sharing by the Transitional Government and the Conseil national pour la défense de la démocratie-forces pour la défense de la democratie (CNDD-FDD) (Pierre Nkurunziza) on 8 October and 2 November 2003, and the signing on 16 November of a comprehensive ceasefire implementation document.

3. The purpose of the present report is to bring the Security Council up to date on these and other developments in and relating to Burundi, as well as on the role of the United Nations in supporting the peace process in the country.

II. Political developments

A. Transfer of power

4. The first phase of the three-year transition period ended on 30 April 2003. After extensive consultations with all Burundian political actors, as well as with the countries of the Regional Peace Initiative on Burundi, the Facilitation and other concerned leaders within the international community, the President, Pierre Buyoya, decided to step down as planned and hand over power to his Vice-President, Domitien Ndayizeye. He announced his decision to the nation on 28 March. The same day, the Union for National Progress Party (UPRONA) and the Front for Democracy in Burundi (FRODEBU) concluded an agreement in Pretoria setting out some of the key tasks to be accomplished during the second phase of the transition and the framework for cooperation between them.

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5. Both the announcement by President Buyoya and the agreement between UPRONA and FRODEBU were well received by the general public. The Burundi army came out in support of these developments, declared that the army had no intention of interfering with the transfer of power and stressed that the military was under the total control of the President, who was the commander-in-chief, regardless of political affiliations.

6. Six of the G-10 political parties, namely the Alliance burundo-africaine pour le salut (ABASA), the Alliance nationale pour le droit et le développement économique (ANADDE), the Parti pour la réconciliation du peuple (PRP), the Rassemblement pour la démocratie et le développement économique et social (RADDES), the Parti indépendent des travailleurs (PIT) and Le Bouclier (MSP-INKINZO), in a statement issued on 30 March, called on the population to accept with calm the change that would occur at the helm of the State on 1 May. Similarly, six of the G-7 political parties, namely, the Parti du peuple (PP), the Rassemblement pour le peuple du Burundi (RPB), the Parti libéral (PL), the Front pour la libération nationale (FROLINA), the Conseil national pour la défense de la démocratie (CNDD) and the Parti pour la libération du peuple Hutu (PALIPEHUTU) issued a statement welcoming the transfer of power.

7. After the selection by UPRONA, and the election by Parliament, of Alphonse-Marie Kadege as the new Vice-President, the new President and his deputy took the oath of office on 30 April 2003 in the presence of heads of State and representatives of the Regional Peace Initiative and other countries and organizations involved in the Burundi peace process, including former President Nelson Mandela. Vice-President Kadege pledged to fully cooperate with President Ndayizeye.

8. The ceremony was concluded with President Ndayizeye's address to the nation, in which he pledged full compliance with the Arusha Agreement and promised to be the President of all Burundians without distinction, and to work hard to put an end to the war and to improve the lot of Burundians.

9. The reactions of CNDD-FDD (Nkurunziza), PALIPEHUTU-FNL (Agathon Rwasa) and Charles Mukasi, leader of a faction of UPRONA which opposes the Arusha Agreement, were negative. For CNDD-FDD (Nkurunziza), the transfer of power did not have any particular significance before the conclusion of a sustainable ceasefire agreement with it, followed by fair and free elections. Reactions in general, within Burundi and abroad, however, have been positive.

B. Ceasefire negotiations

10. After the signing of a ceasefire agreement between the Transitional Government, CNDD-FDD (Jean Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona) on 7 October 2002, and of a ceasefire agreement between the Transitional Government and CNDD-FDD (Nkurunziza) on 2 December 2002, sustained efforts were made to create conditions for the effective implementation of those agreements. The United Nations Office in Burundi (UNOB) and other representatives of the international community in Bujumbura, with the support of the European Commission, succeeded in mobilizing the necessary resources to help solve the immediate and critical issue of pre-cantonment food delivery to CNDD-FDD (Nkurunziza) combatants. Thanks to that initiative, the belligerents observed the truce and cessation of hostilities in the absence of any observation or verification

mechanism, until early February 2003. The Burundi army escorted the food convoys to areas agreed upon. On or about 10 February, however, military confrontations between CNDD-FDD (Nkurunziza) and the regular army resumed and the food delivery was interrupted.

11. The then President, Pierre Buyoya, and the signatories of the ceasefire agreements of 7 October and 2 December 2002 met in Pretoria and signed joint declarations on 25 and 27 January 2003 respectively, reiterating their commitment to the implementation of the provisions of the agreements. The Transitional Government and CNDD-FDD (Nkurunziza) met again in Pretoria from 9 to 15 February with a view to reaching agreement on the remaining political and military/security issues. They were however unable to make any significant progress at that time.

12. The President of Uganda, Yoweri Museveni, Chairman of the Regional Peace Initiative on Burundi, convened a mini-summit on 1 and 2 March in Dar es Salaam, with the participation of the Transitional Government, CNDD-FDD (Nkurunziza) and the President of the United Republic of Tanzania as well as the Facilitator. The Transitional Government and CNDD-FDD (Nkurunziza) accepted the decisions of the mini-summit regarding the need to draft a new constitution, some issues relating to post-war management and power-sharing, and full support to AMIB. When it came to implementing them, however, differences arose again between the parties and fighting resumed.

13. At another regional consultative summit held in Dar es Salaam on 19 and 20 July, the parties agreed to continue consultations at the technical level. Following the summit, representatives of CNDD-FDD (Nkurunziza) visited Bujumbura to assess the conditions for the movement's participation in the Joint Ceasefire Commission. Then, on 6 October, President Thabo Mbeki and Deputy President Jacob Zuma of South Africa convened a meeting in Pretoria with both President Ndayizeye and Mr. Nkurunziza. After extensive consultations, a protocol on political, defence and security power-sharing (Pretoria Protocol) was signed by the parties in the early hours of 8 October.

14. According to the Pretoria Protocol, CNDD-FDD (Nkurunziza) is to be allocated four ministerial posts, including that of a State Minister (Ministre d'État) in the President's Office, responsible for good governance and State inspection. He/she is to be consulted by the head of State on all important matters. CNDD-FDD (Nkurunziza) will also participate in the Bureau of the National Assembly, where it will take two important positions currently belonging to FRODEBU, those of Second Deputy Speaker and Deputy Secretary-General of the National Assembly. In addition, it will be given two posts of adviser and 15 seats in the National Assembly.

15. With regard to power-sharing in the defence and military sphere, the Pretoria Protocol gives CNDD-FDD (Nkurunziza) 40 per cent of the senior officer corps. Its share in the rank and file will be determined by the size of the troops once cantonment is completed, always maintaining the 50-50 ethnic equilibrium. As for the police force, the general structure will be based on the principle of 65 per cent of the force for the Transitional Government and 35 per cent for CNDD-FDD (Nkurunziza). The gendarmerie will be integrated into the army and the police while the militia will be disarmed under the supervision of AMIB as soon as the cantonment and quartering processes begin. The intelligence services will come under the direct control of the President of the Republic.

16. The following issues, however, were not resolved: (a) participation of CNDD-FDD (Nkurunziza) in the Senate, (b) provisional immunity, (c) the Forces Technical Agreement, and (d) the transformation of CNDD-FDD (Nkurunziza) into a political party.

17. In order to resolve these outstanding issues, another round of negotiations was held in Pretoria from 30 October to 2 November under the auspices of President Mbeki and Deputy President Zuma. On 2 November, the Transitional Government and CNDD-FDD (Nkurunziza) signed the second Pretoria Protocol on all the outstanding issues. The parties agreed that:

(a) The Transitional Government shall be reconstituted to include members of CNDD-FDD (Nkurunziza) not later than three weeks from the signing of the Protocol;

(b) CNDD-FDD (Nkurunziza) will qualify to register as a political party as soon as the cantonment of its combatants begins;

(c) Provisional immunity will be granted to CNDD-FDD (Nkurunziza) leaders and combatants as well as to the security forces of the Government. A joint commission will be set up to study individual cases of civilians currently serving sentence to determine whether they should be granted temporary immunity.

18. Regarding the Forces Technical Agreement, the parties approved and signed a text which was annexed to the Pretoria Protocol. While the Agreement lists key guiding principles of the future defence and security forces of Burundi, the parties have yet to share the specific information or to start the planning necessary to embark on this process. An "indicative timetable" of implementation called for an effective ceasefire (D-Day + 7); cantonment (D-Day + 8); integration of CNDD-FDD (Nkurunziza) in the Transitional Government (D-Day + 21); and the beginning of disarmament, demobilization and reintegration (D-Day + 30), D-Day being 2 November 2003. The constitution of the National Defence Forces, the National Police and the National Intelligence Service should be completed within one year.

19. The two parties further agreed that the National Defence Forces will be constituted under the supervision of the Implementation Monitoring Committee, the Joint Ceasefire Commission and AMIB.

20. Regarding the participation of CNDD-FDD (Nkurunziza) in the Senate, there has been no change in the position of the armed movement. It insisted that it would participate in the Senate only after the amendment of article 147, paragraph 9, of the Transitional Constitution, conferring on the Senate the power to approve nominations to high-level posts in the administration, defence, security and judiciary sectors. It has been understood, however, that if CNDD-FDD decides to raise the question of its participation in the Senate before the elections provided for in the Arusha Agreement, the Transitional Government will agree to discuss the matter.

21. The signing of the Pretoria Protocols and the resumption of food delivery to CNDD-FDD (Nkurunziza) combatants in Bubanza, Ruyigi and Makamba Provinces that followed have had an immediate positive impact. There has been a significant reduction in violence throughout the country. This improvement in the security situation is expected to increase access dramatically to the areas and the population in need of humanitarian assistance.

22. The twentieth Regional Summit, held in Dar es Salaam on 16 November 2003, endorsed the two Pretoria Protocols and witnessed the signing of the global Ceasefire Agreement between the Transitional Government and CNDD-FDD (Nkurunziza). That Agreement sets out the modalities for the implementation of all signed agreements between them.

23. In accordance with the Agreement, President Ndayizeye, in consultation with Vice-President Kadege, formed a new 27-member cabinet on 23 November, including CNDD-FDD (Nkurunziza) leader Pierre Nkurunziza as Minister in charge of good governance and State inspection. Mr. Nkurunziza and other appointees from his movement subsequently arrived in Bujumbura to take up their new positions in the transitional institutions, including in the Joint Ceasefire Commission.

24. PALIPEHUTU-FNL (Rwasa), on the other hand, continues to refuse to join the peace process. The territorial area controlled by that movement is, however, limited to Bujumbura Rural, and the movement has been considerably weakened and isolated since its attacks on Bujumbura in July 2003. Consequently, its ability to hinder the general move towards peace in Burundi is considered to be limited. Nevertheless, there is a need to continue urging FNL to enter into ceasefire negotiations with the Transitional Government. Heads of State attending the twentieth Regional Summit called upon FNL to join the process within the next three months or run the risk of being considered to be an "organization that is against peace and stability in Burundi" and being treated as such. The Summit has called on the United Nations, the European Union and the international community "to support this position of the region and AU regarding PALIPEHUTU-FNL". With a view to initiating a dialogue with FNL (Rwasa) regarding ceasefire negotiations, informal meetings were held on 29 and 30 November in Nairobi between some Tutsi personalities and a delegation from FNL (Rwasa), under the auspices of my Special Representative for Burundi. At the conclusion of the meetings, the FNL (Rwasa) delegation indicated that the movement would contact my Special Representative again regarding additional discussions.

C. African Mission in Burundi and the Joint Ceasefire Commission

25. The ceasefire agreements of 7 October and 2 December 2002 called for the deployment of an international peace force and the establishment of the Joint Ceasefire Commission to assist the parties in the implementation of the agreements. Thereafter, Deputy President Zuma, representing the Facilitation, came to New York to seek international support for a peacekeeping mission to Burundi to be fielded by the African Union (AU). Following that visit, the Security Council on 18 December adopted a presidential statement (S/PRST/2002/40), in which it requested me to provide expertise and advice to facilitate the definition of the mandate and the deployment of the African mission, facilitate logistical assistance, mobilize and coordinate donor contributions, and designate a person to chair the Joint Ceasefire Commission at the request of the parties.

26. In February 2003, I appointed Brigadier General El Hadji Alioune Samba (Senegal) as Chairman of the Joint Ceasefire Commission. The Commission has since been established and has been operating as a subsidiary organ of the Implementation Monitoring Committee, its Chairman reporting to my Special Representative. It should be noted that operational functions prescribed for the Joint

Ceasefire Commission in the Arusha Agreement are not applicable to the current Commission as they are being carried out by AMIB. The Secretariat has also provided the African Union with expertise to assist it in developing a concept of operations for the African peacekeeping mission in Burundi as well as in the preparation of the budget of the mission.

27. Following the formal decision by the African Union to deploy AMIB in February 2003, the Transitional Government and AU signed a status-of-forces agreement on 26 March, which spells out their commitments and obligations. AU military observers began arriving in Bujumbura on 13 February and were deployed in March in Makamba (south), Bubanza (north), Gitega (centre) and Ruyigi (east) Provinces.

28. On 2 April, the Central Organ of the AU Mechanism for Conflict Prevention, Management and Resolution mandated the deployment of troops from three countries — Ethiopia, Mozambique and South Africa. The total strength would be some 3,500 troops for an initial period of one year. South Africa and Ethiopia appointed the Force Commander and the Deputy Force Commander, respectively. Ambassador Mamadou Bah, Special Representative of the African Union, was appointed the political head of AMIB, with three deputies from South Africa, Uganda and the United Republic of Tanzania.

29. The South African Protection Service detachment of 700 troops, which had been deployed to provide security for leaders returning from exile, was incorporated into AMIB on 1 May as its advance party. To support AMIB, the Transitional Government agreed to authorize the disbursement of €25 million from "envelope B" (non-programmed activities) of funds allocated to Burundi from the ninth EDF allocation. The United States of America and the United Kingdom of Great Britain and Northern Ireland supported, on a bilateral basis, the deployment of Ethiopian and Mozambican troops, respectively. Italy and Germany also made financial contributions relating to AMIB. In view of the lack of funds and the logistical difficulties encountered by AMIB, however, the Chairperson of the AU Commission has appealed for assistance in mobilizing donor funds and logistical and technical assistance. At his request, I have also addressed a letter to the leaders of donor countries and institutions appealing to them to contribute generously.

30. Following the twentieth Regional Summit of the Great Lakes Regional Peace Initiative on Burundi, the heads of State called on the Deputy President of South Africa, Jacob Zuma, as Facilitator, to report to the Security Council and request the Council to deploy a peacekeeping operation to Burundi. The Summit also appealed for urgent direct assistance from the United Nations for the Burundi peace process. Accordingly, Mr. Zuma briefed the Security Council on 4 December 2003, making a strong request for the United Nations to take over from AMIB, particularly in view of the substantial progress made in the peace process. He stressed that the agreement between the Transitional Government of Burundi and CNDD-FDD (Nkurunziza) had unified the vast majority of Burundian forces, brought peace to at least 95 per cent of the territory of Burundi, and created conditions conducive to the deployment of a United Nations operation.

31. The Facilitator further told the Security Council that the direct assistance of the United Nations would help to consolidate the gains already made, prepare the ground for successful democratic elections in 11 months' time, and firmly place Burundi on the road to lasting peace and stability. He also called for immediate

material, logistical and financial support to AMIB to enable it to continue its work while preparations continued for more robust United Nations involvement.

32. At present, 2,645 AMIB troops, including 866 from Ethiopia, 228 from Mozambique, 1,508 from South Africa and 43 military observers from Benin, Burkina Faso, Gabon, Mali and Tunisia, have been deployed. Ethiopia is prepared to increase the size of its contingent to 1,300. In June, AMIB established the first cantonment site at Muyange (Bubanza Province). So far, some 190 ex-combatants of PALIPEHUTU-FNL (Mugabarabona) and CNDD-FDD (Ndayikengurukiye), including 27 child soldiers, have been cantoned.

33. Currently, 27 members representing the Transitional Government, CNDD (Léonard Nyangoma), PALIPEHUTU (Étienne Karatasi), FROLINA (Joseph Karumba), CNDD-FDD (Ndayikengurukiye), PALIPEHUTU-FNL (Mugabarabona) and CNDD-FDD (Nkurunziza) are participating in the Joint Ceasefire Commission. The European Commission has covered the living expenses and allowances for the representatives on the Joint Ceasefire Commission, while the United Nations is providing the Chairman and support staff.

34. United Nations agencies in Bujumbura, with political guidance from UNOB, are gearing up to assist AMIB. To this end, the designated official signed on 10 September a memorandum of understanding with AMIB on behalf of the United Nations country team regarding security arrangements for United Nations personnel who would undertake missions to cantonment sites. UNICEF is currently in the process of registering child soldiers at the cantonment site at Muyange. UNOB established permanent channels of communication between the United Nations agencies and AMIB to facilitate consultations and cooperation.

35. At a meeting organized by UNOB on 11 September, the United Nations country team in Bujumbura met with the AU Commissioner for Peace and Security. The country team, including the World Bank, reiterated its commitment to working with AMIB, particularly in the areas of disarmament, demobilization and reintegration, and expressed its willingness to help in the areas of advocacy and mobilization of resources.

36. The Joint Ceasefire Commission and UNOB are members of the Technical Working Group on the joint operational plan, organized by the World Bank, which delineates the operational roles to be played by different actors in the cantonment and disarmament process. Subsequent to the formal adoption of the plan by the Commission and other partners, the Commission will remain part of the disarmament, demobilization and reintegration Coordination Centre.

D. Implementation Monitoring Committee

37. The Implementation Monitoring Committee, which is chaired by my Special Representative, has held five regular sessions and one special session in Bujumbura so far this year. In addition to its monitoring responsibilities, the Committee deployed efforts to resolve disputes between signatory parties to the Arusha Agreement. It has especially pressed for the adoption and enactment of laws on provisional immunity; punishment of the crime of genocide, war crimes and other crimes against humanity; and the establishment of the National Commission for the Rehabilitation of Refugees and *Sinistrés*.

38. The Committee is working with the Parliament to have a number of important laws enacted during the current session of Parliament. These include the post-transitional constitution; the electoral code; and the mandate, composition, functioning and working conditions of the Defence and Security Corps.

39. The Committee is also working, in consultation with other transitional institutions, on the modalities for the establishment of the National Commission for Truth and Reconciliation prior to the possible establishment by the Security Council of an international judicial commission of enquiry.

40. The implementation of the recommendations of the independent commission on prisoners and prison conditions, in which the United Nations participated, continues to be a matter of concern to the Implementation Monitoring Committee. The immediate release of political prisoners and any other persons being held under irregular conditions, which was the core of the recommendations, remains unimplemented (see also para. 61).

41. The members of the Implementation Monitoring Committee, in cooperation with the Ministry for Mobilization for Peace, have been engaged in an intensive campaign to publicize the Arusha Agreement as well as the various ceasefire agreements as widely as possible.

III. Security situation

42. The security situation began to deteriorate starting in March 2003 and culminated with the intensive shelling of Bujumbura in April and July by CNDD-FDD (Nkurunziza) and PALIPEHUTU-FNL (Rwasa), respectively. CNDD-FDD (Nkurunziza) also abducted four members of Parliament on 29 June, and attacked the cantonment site of Muyange the next day. The attack was repelled by AMIB forces.

43. Since the signing of the first Pretoria Protocol on 8 October, the security situation throughout the country has considerably improved and no clashes have been reported between the army and CNDD-FDD (Nkurunziza). However, a new development in the security situation is the fighting since early September between CNDD-FDD (Nkurunziza) and PALIPEHUTU-FNL (Rwasa) in Bujumbura Rural and Bubanza Province. These skirmishes have led to the displacement of more than 30,000 people in the Rugazi commune of Bubanza Province. Assassinations and abductions targeting local administrators around Bujumbura Rural by PALIPEHUTU-FNL (Rwasa) remain an issue of concern. During the night of 9 to 10 November, FNL attacked the northern suburbs of Bujumbura and launched a dozen mortar shells into the city. Five civilians were killed.

44. The ceasefire agreement between the Transitional Government and CNDD-FDD (Nkurunziza) has nevertheless marked a major shift in the military situation in Burundi. Despite the protracted period of subsequent negotiations needed before the actual start of the implementation of the agreement and the renewed fighting between the army and CNDD-FDD (Nkurunziza), it has become abundantly clear that politically motivated violence has been decreasing. Another type of violence which is of a criminal nature has come to the fore, however, and the situation could get worse with the move towards the cantonment and demobilization of combatants. Recalcitrant or dissatisfied combatants, soldiers or militiamen may be tempted to

continue "to live by the sword". Hence the need for a carefully planned, adequately financed and skilfully implemented disarmament, demobilization and reintegration programme.

45. Another alarming feature of the war in Burundi has been the recently reported increase of rape cases in Ruyigi Province. Elsewhere in the country, the security situation is mostly characterized by acts of banditry and car ambushes. Armed elements abduct passengers and extract ransom from their families or employers. Kayanza and Cibitoke Provinces are heading the list of provinces witnessing the highest rates of banditry.

IV. Economic situation

46. During the period under review, the socio-economic situation in Burundi has further deteriorated. As a result of the unprecedented population increase over the past decades (from 2 million in 1950 to an estimated 6.9 million today), and given the country's small surface area, Burundi has a population density of 228 people per km^2, the second highest in mainland Africa, after Rwanda. This has led to an acute shortage of farmland.

47. The population of Burundi is mostly rural (91 per cent). Agriculture is dominated by the production of coffee (85 per cent of the country's commercial exports); tea and cotton are cash crops and some industrial firms process them. The country remains under-industrialized, however, and there are some potential developments in the mining and hydroelectric sectors.

48. Since 89.2 per cent of the population live on less than $2 a day and 58.4 per cent on less that $1, Burundi's human development index is 0.337, ranking 171st out of 175 countries. From 1990 to 2003, GDP dropped by 20 per cent, resulting in the doubling of the population living below the poverty line (from 33 per cent to 67 per cent). After 10 years of crisis, economic indicators and trends are alarming. Burundi's GNP per capita stands at $110, far below the average for sub-Saharan Africa of $490. The adult illiteracy rate stands at 52 per cent. The incidence of HIV infection is increasing at a high rate, affecting 9.4 per cent of the country's urban population and 2.5 per cent of its rural population. Life expectancy at birth has dropped from 51 years in 1990 to 48 years in 2003.

49. GDP fell from $1.2 billion in 1991 to $0.62 billion in 2003. Although growth was higher than expected in 2002, a sharp downturn was registered in 2003 owing to scanty rainfall in the first half of the year and the upsurge in fighting. The franc burundais, the national currency, has lost almost 30 per cent of its value since 2001. The devaluation decided in August 2002 has led to a sharp increase in the price of fuel, construction material and other consumer goods.

50. In 2002 and earlier this year, the Executive Board of the International Monetary Fund approved two drawings of $13 million in post-conflict assistance. The Fund also dispatched two missions to Burundi in June and October 2003 to start discussions with the Transitional Government on a three-year arrangement under the poverty reduction and growth facility, which would amount to $60 million.

51. Burundi is classified as a least developed country and a highly indebted poor country. Foreign debt (mostly multilateral) represents 204 per cent of GNP, and its servicing absorbs 98.8 per cent of all revenues. The State budget can hardly meet the

salaries of State workers and soldiers. This could have serious consequences for the peace process. Poverty exacerbates ongoing conflicts and discourages the return of refugees.

52. The financing shortfalls for the period 2002-2005 are estimated at $210 million in 2003 and more than $105 million for 2004-2005. It should be noted that the shortfall of $210 million estimated in 2003 includes nearly $150 million which is needed to clear the external debt arrears accumulated since 1995. Clearly, Burundi's external debt is exerting a heavy pressure on its economy. It is this recognition that has led Burundi's partners to approve the establishment of a transitional debt relief fund, pending access to a more structural mechanism within the framework of the HIPC Initiative. This fund has already been set up and has received a number of contributions. Compared to the needs to be met from the fund, however, the contributions remain sorely inadequate. In addition, according to the Transitional Government, only 10 per cent of the total amount pledged for its projects at the Paris and Geneva conferences in 2000 and 2001, respectively, has been received. In order to address some of these problems, a partners' forum is scheduled to be organized in Brussels jointly by UNDP and Belgium in January 2004.

53. In July 2003, the Economic and Social Council established an Ad Hoc Advisory Group on Burundi, within the context of its discussion of African countries emerging from conflict. The Group's main mandate is to prepare recommendations for a long-term programme of support based on Burundi's development priorities, through the integration of relief, rehabilitation, reconstruction and development into a comprehensive approach to peace and stability. The Group visited Burundi from 20 to 25 November and is to submit a report to the Economic and Social Council in January 2004.

V. Humanitarian situation

54. It is estimated that, since 1993, the hostilities have claimed between 250,000 and 300,000 lives, mostly civilians. Noticeable progress has been made at the political level, but it has yet to be translated into significant improvement in the humanitarian and human rights areas. Humanitarian access remains difficult in some areas, and non-governmental agencies have been the targets of robberies and kidnappings during the past year.

55. Until the improvement noted following the signing of the Pretoria Protocol in October 2003, the security situation deteriorated considerably during the year, and impeded the ability of humanitarian actors to meet the needs of the population throughout the country. With the exception of just one province (Kirundo), every province has been subjected to sporadic fighting, looting and armed banditry. Diminishing security nationwide posed serious operational constraints and dangers for United Nations and non-governmental organization personnel. Intensification of the conflict, particularly in Bujumbura (Mairie and Rural), Gitega and Ruyigi, and general instability in all the other provinces severely impeded access to large numbers of civilians in need of humanitarian assistance and protection. Insecurity has forced the World Food Programme (WFP) to cancel 287 of the 787 planned distributions, representing a total of 12,000 tons in commodities. From 14 to 25 July, during the attack of FNL (Rwasa) in Bujumbura, the deterioration of security in Bujumbura necessitated the relocation of non-essential international staff outside of

Burundi, resulting in the reduction of international humanitarian assistance. The fighting in Bujumbura caused the temporary displacement of more than 40,000 people and resulted in 350 civilian casualties.

56. The prevailing situation has increased the number of people living under extreme vulnerability. The WFP Crop and Food Supply Assessment Mission established that 965,000 vulnerable people (13.8 per cent of the population) were in need of emergency food and agricultural assistance, of whom 595,000 face serious food insecurity. More than 17 per cent of the Burundian population is internally displaced or lives as refugees outside Burundi. Some 281,000 internally displaced persons continue to live in 230 sites in the country, while up to 100,000 more are temporarily displaced each month. In addition, 753,000 other Burundians continue to reside in refugee camps, villages and communities, in the United Republic of Tanzania, many of whom have been outside Burundi since the 1970s. On 21 August, the Office of the United Nations High Commissioner for Refugees and the Governments of Burundi and the United Republic of Tanzania signed a tripartite agreement, opening three additional border crossing points for Burundians returning home, for a total of eight. So far this year, more than 20,000 facilitated and 35,000 spontaneous refugees have returned from the United Republic of Tanzania to Burundi. The conclusion of the agreement between the Transitional Government and CNDD-FDD (Nkurunziza) is expected to lead to a massive and possibly spontaneous return of refugees.

57. Health problems remain a major concern inside Burundi. Eight provinces suffer from malaria epidemics on a continuous basis, claiming the lives of many people, particularly children. To better address this scourge, the Ministry of Health and the World Health Organization are introducing a new treatment protocol. Burundi is also prone to outbreaks of other infectious diseases. In July and August, more than 300,000 people in Bubanza and Bujumbura Provinces were vaccinated against meningitis in a successful attempt to stem an outbreak.

58. While constant insecurity has been one significant limitation on humanitarian assistance, low donor response has been another. Of the $72 million in non-food assistance requested in the 2003 Consolidated Appeal, only $21 million (29.7 per cent) has been received to date.

VI. Human rights situation

59. The violation of human rights in the country as a whole continues to be of serious concern. Civilians continue to be the victims of killings, attacks and arbitrary arrests by all factions. Rape and sexual abuses are committed by soldiers and militias of the Transitional Government and the armed movements on an unprecedented scale. The right of vulnerable people to protection continues to be violated. Testimonies collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, especially, the half-yearly report of the Burundi Human Rights League reveal that more than 800 civilians have been killed since the beginning of this year. The lack of an adequate number of human rights observers in OHCHR in Burundi and the persistent insecurity, as well as denial of access to certain areas of the country, compound the suffering of the population.

60. On 30 July, Burundi army sources reported that three mass graves, each containing 25 to 30 bodies of armed elements, had been discovered in Kabuye (Bujumbura Rural). The OHCHR field office is investigating the case of a mass grave discovered in Musaga (Bujumbura Mairie), where 17 bodies, including at least 10 civilians, were buried.

61. The Minister of Justice of Burundi reported that the number of detainees had decreased from 9,000 in December 2001 to 7,889 today. The Transitional Government has taken steps aimed at improving the living conditions of detainees, including rehabilitation of several detention centres, especially in Rutana, Bururi and Ruyigi Provinces. However, most of the other prisons, including those in Ngozi, Rutana, Bururi and Ruyigi, remain severely overcrowded, so that prisoners are required to take turns to sleep at night. The issue of political prisoners remains unresolved. The speedy and effective implementation of the recommendations of the independent commission on prisoners would contribute to an improvement in detention conditions in general.

VII. Administrative and financial implications

62. In my letter to the President of the Security Council of 2 November 1999 (S/1999/1136), I noted that UNOB would need to assume additional responsibilities to help in the consolidation of peace and security following the signing of the Arusha Agreement. In the first instance, this would entail assisting in the implementation of the Agreement and the establishment of new institutions, as well as providing support for the various reforms envisaged in the Agreement.

63. In order to provide UNOB with the expertise and the capability needed to support adequately the work of the Implementation Monitoring Committee, the ceasefire negotiations and the political role previously entrusted to UNOB, increased resources were made available for the year 2003 (see S/2002/1259). In addition, the costs related to the ceasefire negotiations have continued to be supported by a grant from the Government of the United States through the United Nations Trust Fund.

64. Following the ceasefire agreements with three of the four armed movements, the additional requirements associated with the need to assist the parties in implementing the ceasefire agreements (see S/2003/920 and S/2003/921) have been added to the overall requirements of UNOB.

65. As the signing of the Pretoria Protocols has created a new momentum for peace in Burundi, the cantonment process and disarmament, demobilization and reintegration are expected to be expedited, while the number of returnees is expected to increase. The progress in the peace process has also brought the situation one step closer to the possible consideration by the Security Council of the establishment of a United Nations peacekeeping operation. In order to respond to the increasing needs in peacekeeping-related issues and other priorities such as security sector reform and disarmament, demobilization and reintegration, it will be necessary to augment the staff of UNOB slightly in addition to that endorsed by the Security Council in September 2003.

66. The integration of CNDD-FDD (Nkurunziza) into the transitional institutions would increase the hope that, by the end of the transitional period, the country will

have witnessed a reasonable degree of peace and stability that will permit the adoption of a new constitution and the holding of general elections. This implies additional tasks for UNOB and the resources needed to accomplish them.

67. Once an all inclusive ceasefire agreement is reached, it will be possible to establish several commissions in addition to the Joint Ceasefire Commission that the Arusha Agreement calls for, and they will also need the support of the United Nations to function properly and effectively. Pending further progress in the Burundi peace process, I shall advise the Security Council on the proposed role of the United Nations in this regard and the resources required.

VIII. Observations

68. The year 2003, which has witnessed the transfer of power at the level of the head of State and intensive ceasefire negotiations, has created a new hope for a democratic and peaceful Burundi, transforming the nature of politics in the country from one characterized by ethnic-based exclusion to one based on peaceful competition between political alliances, and the transitional institutions are working well. New alliances are being created and the people of Burundi are adjusting themselves to the new situation.

69. I commend the efforts of the Regional Peace Initiative on Burundi, the Facilitator and the African Mission in Burundi, as well as the significant contributions they have made to advancing the peace process in Burundi during the past year. Their role in bringing peace and stability to Burundi remains of vital importance, and I would like to assure them of the full support of the United Nations. I reiterate my call on PALIPEHUTU-FNL (Rwasa) to immediately and without conditions begin ceasefire negotiations with the Transitional Government.

70. Despite the encouraging developments in the Burundi peace process, the socio-economic deprivation from which the people of Burundi continue to suffer is a matter of serious concern. There is a risk that the hopeful signs of peace which have now begun to appear could be lost unless they are accompanied by improvements in the living conditions of the population as a "peace dividend". I call on the donor community to provide all-round assistance to Burundi, in particular by accelerating disbursement of the pledges made in Paris and Geneva, and to respond generously at the partners' forum being organized in Brussels early in 2004. I also encourage donors to strengthen their support to humanitarian assistance efforts in Burundi, particularly in response to the 2004 Consolidated Appeal, which was released on 19 November 2003.

71. During the period covered by this report, the United Nations Office in Burundi has gone through a process of readjustment, owing to the additional tasks and responsibilities resulting from the positive developments in the peace process in Burundi. The Joint Ceasefire Commission was established and has become operational. UNOB continues to provide assistance and advice to AMIB. UNOB has also been instrumental in facilitating food delivery to CNDD-FDD (Nkurunziza) in the wake of the ceasefire agreement of 2 December 2002 as well as in October 2003. Following the request made on 4 December to the Security Council by the Deputy President of South Africa, Jacob Zuma, for the United Nations to take over from AMIB, I have instructed the Secretariat to begin assessing the situation, with a view to making, in due course, recommendations on the way forward.

72. In the meantime, the Security Council has repeatedly expressed its strong support for AMIB and called on donors to support it financially. I should like to reiterate my appeal to donors to make generous contributions to the African Union in this regard. I would further like to express my appreciation for the outstanding work that AMIB is carrying out in Burundi, despite the formidable challenges confronting it.

73. The transitional period is to end in one year and many challenges lie ahead. The coming few months will put extra demands on the Implementation Monitoring Committee, chaired by my Special Representative, which will need to intensify its activities in order to discharge its supervisory responsibilities for the implementation of the Arusha Agreement, including the implementation of the ceasefire agreements and the reforms. It will also need to cooperate with the National Commission for the Rehabilitation of Refugees and *Sinistrés* to repatriate refugees. The preparation and conduct of the elections, preceded by the adoption of a post-transition constitution and an electoral code, will need to be undertaken during this period.

74. I have instructed the United Nations country team to continue to cooperate closely with my Special Representative and coordinate its activities with him in assisting the Transitional Government, in their respective areas of competence. In conclusion, I wish to express my appreciation to my Special Representative, Berhanu Dinka, and to all staff members of UNOB and those of the United Nations country team in Burundi for their commendable efforts under the very trying circumstances prevailing in Burundi.